IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 8968 of 2007(P)

PETITIONER:

SMT. SREEJAKUMARI PULIKKOTTU,
W/O. DASAN, AGED YEARS,
NADUVILKANDY HOUSE, THOKKILANGADI P.O.,
NIRMALAGIRI, THALASSERI TALUK.

BY ADV. SRI.K.V.PAVITHRAN
SRI.M.P.JAYANANDAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, GENERAL EDUCATION,
TRIVANDRUM.

2. DIRECTOR OF PUBLIC INSTRUCTION,
P.O.THIRUVANANTHAPURAM.

3. MANAGER,
KUTHUPARAMBA HIGH SCHOOL, P.O.KUTHUPARAMBA.

ADDITIONAL RESPONDENT

4. DEPUTY DIRECTOR OF EDUCATION
KANNUR.

(Suo motu impleaded by court vide judgment dated 16-03-2007)

BY GOVT. PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER,J

W.P.C.No.8968 OF 2007

Dated this the 16th day of March, 2007

JUDGMENT

Petitioner who was admittedly appointed as Full time Contingent Employee in the school under the management of respondent No.3 contends that his appointment is liable to be approved for the period during which he had been so appointed. According to the petitioner, he worked as full time contingent employee with effect from July 6, 2006 upto September 30, 2006 in a leave vacancy.

2. The primary prayer in the writ petition is to declare that Ext.P4 Government order, particularly clause 6 therein relates only to teachers and not to contingent employees.

3. I do not propose to deal with the above and other contentions raised by the petitioner at this stage in view of the limited prayer made by learned counsel for the petitioner at the Bar. He submits that petitioner will be satisfied if he is also afforded an opportunity to be heard by the appellate authority before whom the appeal preferred by the manager against the order of refusal of the approval is now pending.

4. It appears that manager has preferred Ext.P3 appeal before the Deputy Director of Education, Kannur. The said officer has not been made a party in this writ petition. However, in the peculiar facts and circumstances, I am satisfied that the said officer namely the Deputy Director of Education, Kannur has to be impleaded as additional respondent No.4. Ordered accordingly.

5. Learned Government Pleader submits that if an appeal is pending before the additional respondent No.4 as contended by the petitioner, an appropriate decision will be taken without any delay and if so directed by this court, petitioner will also be afforded an opportunity to be heard.

62. In the above facts and circumstances, the writ petition is disposed of with a direction to additional respondent No.4 to consider and pass orders on Ext.P3 appeal preferred by the manager as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. Additional respondent No.4 shall ensure that apart from the manager of the school, petitioner shall also be given an opportunity to be heard before any decision is taken. I make it clear that I have not considered the merit of the contentions raised by the petitioner particularly that of Clause 6 of Ext.P4

order of the Government. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before additional respondent No.4 for compliance. Petitioner shall also forward copies of the above documents to respondent No.3 by registered post, for information.

A.K.BASHEER.
JUDGE

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